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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,434	09/02/2004	Shinya Nagata	5553NA1-1	1269
62574	7590	03/30/2009		
Jason H. Vick Sheridan Ross, PC Suite # 1200 1560 Broadway Denver, CO 80202			EXAMINER BEHRINGER, LUTHER G	
			ART UNIT 3766	PAPER NUMBER
			NOTIFICATION DATE 03/30/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jvick@sheridanross.com

Office Action Summary

Application No.

10/506,434

Applicant(s)

NAGATA ET AL.

Examiner

LUTHER G. BEHRINGER

Art Unit

3766

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6,8-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,8-12 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2008 has been entered.

Claim Rejections - 35 USC § 102 / 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claim(s) 1, 2, 6, 8 – 12 and 14 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over the certified English translation of **Sato (JP 6-205751, herein Sato)**.

Regarding **claim(s) 1, 2 and 14**, Sato discloses an electrocardiogram (ECG) chart data-generating device for generating chart data to be used to display charts based on measured ECG data [0006, 0010], comprising: means for generating feature value data indicating an ECG feature value [0008]; and means for generating chart data based on the feature value data [0044], wherein the chart data is to be used to display a chart that relates the feature value to each portion of the heart [0044], wherein the chart

data is displayed in a chart in which each feature value is displayed correlated with the corresponding portion of the heart [0040 – 0043].

With regard to **claim 6**, Sato discloses means for display control, *personal computer* [0019] for varying the display style of the feature value when the feature value is in an abnormal range [0030, 0040 – 0043].

Regarding **claim 9**, Sato discloses wherein the chart data is displayed in a chart that relates the feature value to each portion of the heart including at least left portion of the heart, right portion of the heart, bottom portion of the heart, front portion of the heart, or inner portion of the heart [0043].

With regard to **claim 10**, Sato discloses wherein the chart data is to be used to display a chart that relates the feature value to each portion of the heart including at least left portion of the heart, right portion of the heart, bottom portion of the heart, front portion of the heart, or inner portion of the heart [0043].

Regarding **claim 11**, Sato fails to disclose wherein the chart data is displayed in the feature value in a radar chart form.

4. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the display as taught by Sato with a chart in radar chart form as is well known in the art, since such a modification would provide the predictable results of allowing a physician to easily and efficiently view a visual representation of the disease information for each portion of the heart.

With regard to **claim 12**, Sato discloses wherein the chart data is displayed in the feature value on a heart image [0043].

5. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the certified English translation of **Sato (JP 6-205751, herein Sato)** in view of **Schuelke et al. (US 6,112,119, herein Schuelke)**.

With regard to **claim 8**, Sato fails to disclose wherein the display controlling means or means for displaying the abnormal value is to hold display of the feature value constant even when the feature value varies within a normal range.

However, Schuelke teaches wherein the display controlling means or means for displaying the abnormal value is to hold display of the feature value constant even when the feature value varies within a normal range (Col. 26, ll. 7 – 16).

6. A person of ordinary skill in the art, upon reading the reference, would have recognized the desirability of maintaining a display in a normal range while receiving acceptable deviations to reduce false alarms due to observation of normal deviations of the signal. Thus, it would have been obvious to a person having ordinary skill in the art at the time of the invention to modify Sato to include maintaining a display in a normal range while receiving acceptable deviations as taught by Schuelke, since doing so would reduce distractions observed by a practitioner due to false alarms allowing efficient, effective treatment of a patient.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892 form.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUTHER G. BEHRINGER whose telephone number is (571)270-3868. The examiner can normally be reached on Mon - Thurs 9:00 - 6:30; 2nd Friday 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Layno can be reached on (571) 272-4949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carl H. Layno/
Supervisory Patent Examiner, Art Unit 3766

/Luther G Behringer/
Examiner, Art Unit 3766